

IN THE HOUSE OF REPRESENTATIVES.

JANUARY 6, 1863.

Read twice, ordered to be printed, and recommitted to the Committee on the
Judiciary.

Mr. WILSON, from the Committee on the Judiciary, reported the
following bill:

A BILL

To provide circuit courts for the districts of California and Oregon,
and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That the Supreme Court of the United States shall hereafter
4 consist of a chief justice and nine associate judges, any six
5 of whom shall constitute a quorum; and for this purpose
6 there shall be appointed one additional judge of said court,
7 with the like powers, and to take the same oaths, perform
8 the same duties, and be entitled to the same salary, as the
9 other associate judges. The States of California and Oregon
10 shall constitute the tenth circuit, and the other circuits shall
11 remain as now constituted by law.

1 SEC. 2. *And be it further enacted,* That so much of

2 any act or acts of Congress as vests in the district courts in
3 and for the said States of California and Oregon, or either of
4 them, the power and jurisdiction of circuit courts, and the
5 act entitled "An act to establish a circuit court of the United
6 States in and for the State of California," approved March
7 second, eighteen hundred and fifty-five, be, and the same are
8 hereby, repealed, and the said circuit court is hereby abol-
9 ished; and there shall hereafter be a circuit court held for the
10 districts of the State of California by the chief justice, or one
11 of the associate judges of the Supreme Court of the United
12 States assigned or allotted to the circuit to which said State
13 may belong, and the district judges of the northern and
14 southern districts of California, any two of whom shall con-
15 stitute a quorum; and there shall hereafter be a circuit court
16 held for the district of Oregon by the chief justice, or one of
17 the associate judges of the Supreme Court of the United
18 States assigned or allotted to the circuit embracing said dis-
19 trict, and the district judge of district of Oregon, either of
20 whom shall constitute a quorum, which circuit courts and
21 the judges thereof shall have like powers and exercise like
22 jurisdiction as other circuit courts and the judges thereof;
23 and the district courts in and for the several districts in and
24 for said States of California and Oregon, and the judges
25 thereof, shall have like powers and exercise like jurisdiction
26 as the district courts and the judges thereof in other districts.

1 SEC. 3. *And be it further enacted,* That all actions, suits,
2 prosecutions, causes, pleas, process, and other proceedings,
3 relative to any cause, civil or criminal, (which might have
4 been brought and could have been originally cognizable in a
5 circuit court,) now pending in or returnable to the several dis-
6 trict courts of the said States of California and Oregon, or
7 now pending in or returnable to the circuit court of California,
8 by this act abolished, acting as circuit courts (or so empowered
9 to act) on the first day of August next, shall be, and are
10 hereby declared to be, respectively, transferred, returnable,
11 and continued to the several circuit courts constituted by this
12 act, to be holden within said States, respectively, and shall be
13 heard, tried, and determined therein, in the same manner as
14 if originally brought, entered, prosecuted, or had in such cir-
15 cuit courts; and no bail-bond or recognizance taken in any of
16 said actions, suits, prosecutions, or causes transferred to said
17 circuit courts by this act, shall thereby be avoided, impaired,
18 or invalidated; and the said circuit courts shall be governed
19 by the same laws and regulations as apply to the other circuit
20 courts of the United States; and the clerks of said courts, re-
21 spectively, shall perform the same duties, and shall be entitled
22 to receive the same fees and emoluments which are by law
23 established for the clerks of the other circuit courts of the
24 United States.

1 SEC. 4. *And be it further enacted,* That the circuit

2 court for the State of California shall be held at the city of
3 San Francisco, in said State, at the same times now pre-
4 scribed by law for holding terms of district court for the
5 northern district of said State at the said city of San Francisco,
6 and the circuit court for the State of Oregon shall be held at
7 Portland, in said State, at the same times now fixed by law for
8 holding terms of the district court for the district of Oregon
9 at that place.

1 SEC. 5. *And be it further enacted,* That the judge
2 assigned to the tenth circuit, as constituted by this act, shall
3 receive, in addition to his salary hereinbefore provided, the
4 sum of one thousand dollars for his travelling expenses for
5 each year in which he may actually attend a session of the
6 Supreme Court of the United States.

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